

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 5415
Club for Growth, Inc.; Club for Growth,)
Inc. PAC and Pat Toomey, in his)
official capacity as treasurer; Pat)
Toomey for Senate Committee and)
Jeffrey M. Zimskind, in his official)
capacity as treasurer)

CERTIFICATION

I, Darlene Harris, recording secretary for the Federal Election Commission
executive session on April 19, 2005, do hereby certify that the Commission decided
by a vote of 6-0 to take the following actions in MUR 5415:

1. Find reason to believe that Club for Growth, Inc. PAC and Pat Toomey, in his official capacity as Treasurer, violated 2 U.S.C. §§ 434 and 441a(a).
2. Find reason to believe that Club for Growth, Inc. violated 2 U.S.C. § 441a(a) by making excessive contributions, in the form of coordinated expenditures, to the Pat Toomey for Senate Committee.
3. Find reason to believe that Club for Growth, Inc., Club for Growth, Inc. PAC and Pat Toomey, in his official capacity as Treasurer, violated 2 U.S.C. §§ 441a(a) and 441b by using nonfederal funds to pay for coordinated expenditures on behalf of the Pat Toomey for Senate Committee.
4. Find reason to believe that Club for Growth, Inc. violated 2 U.S.C. § 441b(a) by making prohibited corporate contributions to the Pat Toomey for Senate Committee.
5. Find reason to believe that the Pat Toomey for Senate Committee and Jeffrey M. Zimskind, in his official capacity as Treasurer, violated 2 U.S.C. §§ 441a(f) and 434 by knowingly accepting and failing to report excessive contributions, in the form of coordinated expenditures, from Club for Growth, Inc. PAC.

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6. Find reason to believe that the Pat Toomey for Senate Committee and Jeffrey M. Zimskind, in his official capacity as Treasurer, violated 2 U.S.C. §§ 441a(f), 441b(a) and 434 by knowingly accepting and failing to report excessive and/or prohibited contributions, in the form of coordinated expenditures, from Club for Growth, Inc. and Club for Growth, Inc. PAC.
7. Approve the Factual and Legal Analyses, as recommended in the General Counsel's Report dated February 14, 2005; subject to deletion of Section II. C.
8. Authorize the use of compulsory process to investigate this matter, including subpoenas directed to Club for Growth, Inc., Club for Growth, Inc. PAC, and the Pat Toomey for Senate Committee; and appropriate additional interrogatories, document subpoenas, and deposition subpoenas, as necessary.
9. Approve the appropriate letters.

Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub

voted affirmatively for the decision.

Attest:

April 19, 2005
Date

Darlene Harris
Darlene Harris
Deputy Secretary of the Commission

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